

*United States Court of Appeals
for the Second Circuit*



**BRIEF FOR
APPELLEE**

76-6047

**United States Court of Appeals
For the Second Circuit**

76-6047

HEMPSTEAD BANK,

Plaintiff-Appellant,

against

**JAMES E. SMITH, Comptroller of the Currency of the United States
and THE CHASE MANHATTAN BANK, NATIONAL ASSO-
CIATION,**

Defendants-Appellees.

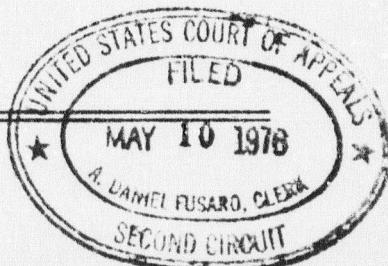
**ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

**BRIEF FOR DEFENDANT-APPELLEE THE CHASE
MANHATTAN BANK, N.A.**

MILBANK, TWEED, HADLEY & McCLOY
Attorneys for Defendant-Appellee
The Chase Manhattan Bank, N.A.
1 Chase Manhattan Plaza
New York, New York 10005

Of Counsel

ANDREW J. CONNICK
RICHARD C. TUFARO



United States Court of Appeals
For the Second Circuit

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HEMPSTEAD BANK,

Plaintiff-Appellant,
against

JAMES E. SMITH, Comptroller of the Currency of the United States and THE CHASE MANHATTAN BANK, NATIONAL ASSOCIATION,

Defendants-Appellees.

ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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BRIEF FOR DEFENDANT-APPELLEE THE CHASE MANHATTAN BANK, N.A.

For the reasons set forth in the brief of defendant-appellee James E. Smith, Comptroller of the Currency of the United States which are adopted hereby, defendant-appellee The Chase Manhattan Bank, N.A. respectfully requests this Court to affirm the order of the United States District Court for the Southern District of New York (MacMahon, J.), denying the motion of plaintiff-appellant Hempstead Bank for summary judgment and granting summary judgment in favor of the defendants-appellees.

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY
Attorneys for Defendant-Appellee
The Chase Manhattan Bank, N.A.
1 Chase Manhattan Plaza
New York, N. Y. 10005

Of Counsel

ANDREW J. CONNICK

RICHARD C. TUFARO

May 10, 1976

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

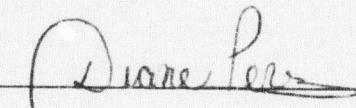
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HEMPSTEAD BANK, :
: Plaintiff-Appellant, :
: : AFFIDAVIT OF
-against- : SERVICE
JAMES E. SMITH, Comptroller of the :
Currency of the United States and THE :
CHASE MANHATTAN BANK, NATIONAL ASSOCIATION, :
: Defendants-Appellees. :
-----x

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

DIANE PERESS, being duly sworn, deposes and says:
I am over the age of 18 years and am not a party to
this action.

On May 10, 1976, I served two copies of the within
Brief for Defendant-Appellee The Chase Manhattan Bank, N.A. on
the attorney listed below by depositing true copies, thereof,
securely enclosed in post-paid envelopes, addressed to such
~~an attorney in his office listed below in a mailbox maintained~~
by the Government of United States at 1 Chase Manhattan Plaza,
New York, New York.

Gilbert Henoch, Esq.
Dalton & Henoch
50 Clinton Street
Hempstead, New York 11550


Diane Peress

Sworn to before me this
10th day of May, 1976


Louis A. Wolf

NOTARY PUBLIC State of New York

W. B. Peacock
W. B. Peacock
W. B. Peacock